

P&amp;G Case 7730R

09/629,734

Rejection Under 35 USC §112, 2<sup>ND</sup> Paragraph


Claims 1-7 and 10-21 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office states that in claim 1 the phrase "treating the skin" is vague. Applicants maintain the traversal regarding this rejection.

In order, however, to put the application in better condition for appeal, Claim 1 has been amended to recite even more clearly the claimed subject matter of topically applying an emulsion composition. Therefore, the rejection under §112, second paragraph is rendered moot. Applicants, therefore, earnestly request withdrawal of the rejection and request that the amendment contained herein be entered in preparation for appeal.

Respectfully submitted,

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By



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**MARKED VERSION SHOWING CHANGES MADE****IN THE CLAIMS**

Please amend the claims as follows.

1. A method of [treating the skin] topically applying a topical emulsion composition comprising electrostatically spraying an emulsion composition onto the skin, wherein the emulsion comprises:
  - a) from about 5% to about 75% of an insulating external phase comprising one or more liquid insulating materials; and
  - b) from about 15% to about 80% of a conductive internal phase comprising one or more conductive materials.